



United States Environmental Protection Agency
Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Certified Mail
Returned Receipt Required

FEB 22 2017

John MacLellan, President
J.G. MacLellan Concrete Company Inc.
180 Phoenix Ave.
Lowell, MA 01852

Re: Request for Information Pursuant to Section 308 of the Clean
Water Act (33 U.S.C. § 1318), Docket No. CWA-308-R01-FY17-27

Dear Mr. MacLellan:

On November 23, 2016 and January 4, 2017 the U.S. Environmental Protection Agency, Region I (the "Region") conducted inspections at two facilities under the ownership of J.G. MacLellan Concrete Company, Inc. (hereafter referred to as "JGM"). The first inspection was at the facility located at 408 Elm Street in Milford, New Hampshire, operated by Granite State Concrete Company (hereafter referred to as the "Milford Facility"). The second inspection was at the facility located at 180 Phoenix Avenue in Lowell, Massachusetts, operated by J.G. MacLellan Concrete Company, Inc. (hereafter referred to as the "Lowell Facility"). The facilities were inspected for compliance with the Clean Water Act (the "Act"). During the inspections information was gathered regarding the facilities.

Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a) authorizes the Environmental Protection Agency ("EPA") to require any owner or operator to provide information needed to determine whether there has been a violation of the Act. Accordingly, you are hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a) to respond to this Request for Information (the "Request") **within forty-five (45) calendar days of receipt of this letter**. Please read the instructions in Enclosure 1 carefully before preparing your response and answer each question in Enclosure 2 as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Enclosure 3, accompanies this letter.

Information submitted pursuant to this Request shall be sent by certified mail and electronic mail, and shall be addressed as follows:

United States Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Alex Rosenberg (OES 04-4)

rosenberg.alex@epa.gov

Compliance with this Request is mandatory. Failure to respond fully and truthfully or to respond within the time frame specified above also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses the opportunity to submit comments on regulatory enforcement at the time of an EPA enforcement action. The enclosed Information Sheet contains information regarding their rights, and describes compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. EPA routinely provides this information to businesses whether or not they qualify as small businesses, as defined by the Small Business Administration. Please be aware that availing yourself of this opportunity does not relieve your facility of its responsibility to comply with applicable federal and state laws and regulations.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." These separate marked sheets should be submitted to EPA by hard copy or compact disc, and not by email. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

If you have questions regarding this Request, please contact Alex Rosenberg of my staff at 617-918-1709, or have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel, at 617-918-1796.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosures

Cc: John MacLellan, President, Granite State Concrete Co.
Alex Rosenberg, EPA Region 1 (e-copy only)
Jeffrey Kopf, EPA Senior Enforcement Counsel (e-copy only)

Enclosure No. 1

Information Request Instructions

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. Any documents referenced or relied upon by you to answer any of the questions in the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the question and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to this Request for Information should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA of this finding as soon as possible and provide a corrected response.

Enclosure No. 2

Respond to the Following Questions

I. General Business and Ownership Information Questions:

- a. Specify the full legal name, with exact spelling, and the business mailing address and telephone number of the Lowell Facility and the Milford Facility. Specify the state of incorporation and the principal place of business. List all of the parents and subsidiary corporations' names and addresses for both of the facilities.
- b. Specify the entity or entities that own or have owned the Lowell Facility and the Milford Facility from November 1, 2011 to the present. If different from ownership, also specify the entity or entities that operate or have operated the Lowell Facility and the Milford Facility from November 1, 2011 to the present. Provide the dates that each facility first began operations. If any transfer of ownership has occurred, specify the owner(s) prior to and following the transfer and the date of transfer.
- c. Provide a flow chart/diagram that illustrates the corporate and management structure of JGM that includes references to the Lowell Facility and Milford Facility. Identify who has responsibility for environmental compliance within JGM both currently and since November 1, 2011.
- d. Provide a list of all facilities with addresses throughout New Hampshire, Vermont, Maine, Massachusetts, Connecticut and Rhode Island ("New England") that are subsidiaries of, or affiliated with, JGM, and names under which each facility does business.
- e. For each facility listed in response to (d) above, please provide the following information:
 - (1) the Standard Industrial Code(s), specifying the primary SIC code;
 - (2) The date each facility first began operation and, if different, the date the current owner took over ownership of each facility;
 - (3) If a facility is operated by an entity other than the owner, include the name of the current operator and the date the operator took over operation of that facility; and
 - (4) A description of the industrial processes that are carried out at each facility.

- II. Provide a separate response to the following questions for the Lowell Facility and the Milford Facility.

General Industrial Stormwater Questions:

- a. Describe and list all industrial activities¹ that have taken place from November 1, 2011 to the present; include the period of time and dates during which the activities occurred.
 - (1) State which industrial activities are exposed to stormwater. If the activity is not exposed to stormwater, describe the measure which prevents the activity from being exposed, i.e., ready-mix concrete, vehicle and equipment washing, drainage systems, etc.
 - (2) For industrial activities conducted outside, describe all specific source control measures, best management practices ("BMPs") and/or structural controls that were or are currently being used to minimize the activity's exposure to stormwaters.
- b. If there have been any modifications to the facility's industrial activities that are exposed to stormwater, industrial activity source control measures, best management practices and/or structural controls from November 1, 2011, to the present, describe the conditions prior to each change, the nature of each change, and the date when each change was implemented. Also, specify the reason why the change was made.
- c. Provide the daily operating hours, number of days the facility conducts industrial activities per week, and the number of employees at the Facility on a yearly basis, showing the high and low season separately.
- d. In detail, list and describe each stormwater discharge to surface water or wetlands, and its ultimate discharge location. Provide an estimate or, if available, an actual volumetric flow rate (in gallons per month) from each discharge, and the minimum rain storm intensity event(s) that will produce a stormwater discharge.
- e. For each of the facility's stormwater discharges to surface waters, state the name of the receiving surface waters. If stormwater is not discharged directly to surface waters (i.e., collected in a detention basin, swales, catch basins, or garage bays), describe the pathway of the stormwater flow including the immediate and ultimate destinations and the means of conveyance. If the discharge of stormwater has changed since November 1, 2011, provide a description of the changes and include the period of time and dates when the discharge changed.

¹ For the purpose of this letter, an "industrial activity" includes, but is not limited to storage of materials (e.g., exposed aggregate (sand and gravel), concrete, clay), material handling, mixing concrete, casting/forming concrete product, vehicle and equipment washing, etc.

- f. Provide a copy of each individual application and each signed and dated Notice of Intent (“NOI”) form, and all related correspondence, used to obtain stormwater permit coverage under the EPA’s September 29, 2008 and June 4, 2015, Multi-Sector General Permits for Stormwater Discharges from Industrial Activities, (“2008 MSGP” and “2015 MSGP” respectively).
- g. Provide a copy of the original and subsequent permit or permit authorization notice and the permit number(s) and dates of coverage.
- h. State the date when the facility’s first Stormwater Pollution Prevention Plan (“SWPPP”) was prepared and the date(s) of any subsequent revisions. Submit copies of the past two final SWPPPs.
- i. Provide a detailed site map that meets the conditions set forth in Part 5.2.2 of EPA’s 2015 NPDES MSGP. The diagram shall clearly illustrate and label:
 - (1) Approximate drainage boundaries including directions of stormwater flow and outfall locations (use arrows to show flow path);
 - (2) Means by which stormwater flows off the site, i.e., pumped or gravity;
 - (3) Boundary of impervious surfaces;
 - (4) Drainage diversion and control structures (i.e., detention basins, sumps, garage drains and catch basins, outfall structures and drainage swales, etc.) in place to reduce pollutants discharged off the site;
 - (5) Location of all existing structural BMPs to reduce pollutants in stormwater runoff;
 - (6) Location of surface waters including wetlands and streams;
 - (7) Identify areas where the following may be exposed to stormwater: fueling; engine maintenance or repair; vehicle maintenance or repair; vehicle washing; painting; sanding; grinding, blasting; welding; metal fabrication; loading or unloading areas; locations used for the welding; metal fabrication; loading or unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., wash water, detergents, oil, lubricants); and, material storage areas (e.g., cement additives, steel, scrap iron); and
 - (8) Industrial activities which generate process wastewaters and ultimate discharge locations of each respective activity.
- j. Provide the following documents and information in chronological order for the period from November 1, 2011 to the present:

- (1) *Routine Facility Inspections* conducted under Part 4.1 in the 2008 Permit and Part 3.1. of the 2015 Permit. If inspections have not been conducted and documented, explain why they were not conducted or documented;
- (2) *Quarterly Visual Assessment* conducted under Part 4.2 in the 2008 Permit and Part 3.2 of the 2015 MSGP. If inspections have not been conducted and documented, please explain why they were not conducted or documented;
- (3) *Annual Comprehensive Site Inspections* conducted under Part 4.3 in the 2008 Permit. If inspections have not been conducted and documented, explain why they were not conducted or documented;
- (4) *Benchmark Monitoring* conducted under Part 6.2.1 of the 2015 MSGP;
 - a. Include all stormwater and/or process water analytical monitoring results and applicable Chain-of-Custody forms.
 - i. Indicate on the site map the specific location where each sample was obtained;
 - ii. Provide an explanation for any gaps in monitoring data; and
 - iii. Provide analytical monitoring results for all parameters measured even if they are not required benchmark monitoring parameters under an applicable sector (i.e. pH).
 - b. Describe the procedure used to collect and analyze the water quality samples reported in question j.(4)a. above.
- (5) As required by Section 3.2 of the 2008 MSGP and Section 4.2 of the 2015 MSGP, describe the review of selection, design, installation and implementation of stormwater pollution control measures undertaken to determine if modifications were necessary to meet effluent limitations for every occurrence between November 1, 2011 and the present when the average of four quarterly benchmark sampling results exceeds an applicable benchmark.
 - a. For every occurrence identified above, indicate the date that the exceedance was discovered, the corrective actions implemented, and the date that the steps were taken to minimize or prevent the discharge of pollutants, and the date a permanent solution was installed;
 - b. If a determination was made for a particular exceedance that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practices provide justification for this conclusion.
- k. For the period from January 1, 2015 to the present provide the name and credentials for all personnel who have been designated by the facility as being

qualified to oversee the SWPPP and conduct stormwater related inspections. If individuals identified are not qualified and/or have not been trained to oversee the SWPPP and/or conduct stormwater related inspections, explain the reasons for these deficiencies.

- l. Provide employee training records as required under Section 2.1.2.9. in the 2008 Permit and Section 2.1.2.8 in the 2015 Permit for the period from November 1, 2011 to the present.

General Spill Prevention Control and Counter Measures (SPCC) Questions:

- m. Provide the dates that each facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons). Describe any periods between January 5, 2004 and October 2, 2015 at which point the Facility was below the regulatory threshold and provide documentation to substantiate these claims.
- n. Please indicate if a SPCC Plan was developed and certified by a Registered Professional Engineer. If yes, provide a copy of the current SPCC plan and provide copies of all prior plans for each facility (even if prepared for another owner). If the answer is no, please provide an explanation that details why and include a schedule of when an SPCC plan for each Facility will be complete and fully implemented.
- o. If you have determined that a facility is no longer subject to the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, and is therefore not required to have an SPCC Plan, provide an explanation supporting such determination, including appropriate documentation.
- p. Provide a list of all the oil storage capacity at each facility, both underground and aboveground (including, tanks, drums, transformers, oil filled systems, etc.) and the type of oil stored in each container. Indicate each containers age and method of construction (e.g., single or double wall, welded or riveted, steel or fiberglass). Also indicate whether any secondary containment is provided around each container, and, if so, its method of construction (earth berm, steel wall, concrete block wall, poured concrete wall) and the total volume it can contain.
- q. Describe the standard operating procedure ("SOP") for discharging stormwater accumulated in from secondary containment structures (e.g. concrete berm surrounding the emergency generator at the Milford Facility).
- r. Submit inspection or testing documentation of diked water prior to releasing it from containment for the period from November 1, 2011 to present.
- s. For each additional facility listed in response to question I.d. above, please provide the following information:

- (1) Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at each facility.
- (2) Explain whether each additional facility is subject to the Oil Pollution Prevention regulations (40 C.F.R. Part 112).
- (3) For those facilities that are subject to the Oil Pollution Prevention regulations indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and
- (4) For facilities that are required to have an SPCC Plan but either do not have one or are not fully implementing their SPCC Plan, provide a time frame for when each facility is expected to be in compliance with the Oil Pollution Prevention Regulations.

III. Provide a separate response to the following questions for the Milford Facility.

- a. Regarding the locomotive owned and operated by JGM, that was observed parked, at the Milford Facility provide the following information:
 - (1) When idle, describe any best management practices used to minimize stormwater pollution potential from the equipment;
 - (2) When maintenance or service of any kind is required on the locomotive, describe where the maintenance is conducted and any specific best management practices utilized to prevent stormwater pollution; and
 - (3) If the locomotive has what is referred to as a 'belly tank' or a chamber that is open to stormwater and is used to catch any oil spills that occur from the engine of the train, describe the frequency at which the tank is inspected and or pumped out. If the tank is not pumped out, explain how any overflows from it are managed.
- b. Describe the procedure for managing cement truck wash water and the accumulated sediments within the washout pit.
- c. Erosion and the discharge of sediment and other miscellaneous waste was observed to have occurred within a discreet path beside a concrete block placed at what was observed to be the highest point on the Milford Facility's western property boundary (see photographs 9 through 12) in attached 11/23/16 Photo Album
 - (1) Describe steps the Milford Facility has taken to either ensure that this discharge of sediments ceases or is added to the SWPPP;
 - (2) Explain any steps taken to clean-up the trash observed near the bottom of

the slope to the east.

IV. Provide a separate response to the following questions for the Lowell Facility.

- a. During the inspection on January 4, 2017 inspectors observed an employee washing the exterior of a concrete truck while parking in a line of trucks that extended down the driveway ("driveway entrance"). From the explanation of drainage paths provided by John MacLellan the discharged wash water (as shown in the photograph below) flows to the stormwater catch basin located on Phoenix Avenue.



- (1) Describe the water sources at the Lowell Facility that are available to concrete truck drivers including but not limited to wash water, and water tank sources;
- Provide the uses for each of the water sources;
 - Provide an estimate of how many days per year exterior truck washing occurs at the water source located in the driveway entrance; and
 - Provide an estimate of the volume of truck wash water discharged to the driveway entrance on an annual basis from November 1, 2011 through to the present.

- b. A blue powdered chemical was observed having spilled from an empty plastic holding tank at the northeastern corner of the Lowell Facility (see photograph below).



- (1) Provide the Safety Data Sheet for the blue powder chemical; and
 - (2) Provide the date and photographic evidence that the chemical was cleaned up and the two empty tanks in the area were removed. If these steps have not yet occurred, provide an anticipated date of completion.
- c. A stormwater detention/retention pond (see photographs 5-9, 49-53 in attached 01/04/17 Photo Album) was observed to be located at the southwest corner of the Lowell Property and extends in a C-shape to the north until a cement block wall. John MacLellan explained how if the pond were to fill past its current level, the company had intentionally raised the elevation of the driveway entrance at the end of Phoenix Avenue to ensure pond water is contained on-site.
- (1) Provide an explanation of how and when waters and solids that are collected in the retention pond are managed;
 - (2) Provide an inspection and maintenance schedule for the gravel berm installed at the pond's southwestern corner;
 - (3) Provide the date that the alteration of the driveway entrance was completed;
 - (4) Provide the dates that a discharge of water has flowed from the detention pond area to a catch basin located on Phoenix Ave; and

- (5) Describe what magnitude rain storm event causes ponded water to reach the rise/hummock in the driveway entrance, and what magnitude rain storm event causes ponded water to breach the driveway rise/hummock. Explain what calculations were conducted to make these determinations.
- d. Provide a list of addresses for each distinctive taxable property owned and or operated by JGM, located on Phoenix Avenue in Lowell, MA. For every property not already addressed in the questions above provide the following information:
- (1) The industrial activities that occur on the property;
 - (2) The address;
 - (3) The current operator and type of lease agreement held with them; and
 - (4) If stormwater that comes into contact with any of their industrial activities comingles with stormwater from the batch concrete plant before discharging at an outfall explain what type of agreements for managing the stormwater are in place.

End of Questions

Enclosure No. 3 - Statement of Certification for
J.G. MacLellan Concrete Company Inc.

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of J.G. MacLellan Concrete Company Inc. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By

(Signature)

(Print Name)

(Title)

(Date)



CWA Inspection Photo Log Granite State Concrete Company (aka JG MacLellan Concrete Company)

Inspectors: Alex Rosenberg,
Solanch Pastrana-Del Valle,
Chris Smith

Legend

Aerial Maps



Photo Direction (any color)
Slide Number (any color)



Property Boundary (any color)

Photo Annotation



Surface Water Flow Direction (any color)



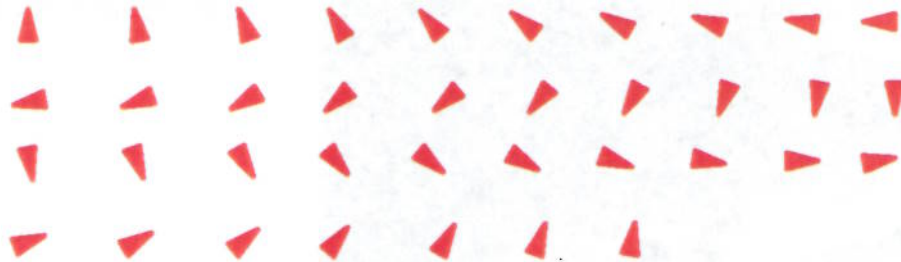
Catchment Boundary (any color)



Flow Boundary (any color)



Narrative Annotation/Comment (any color)



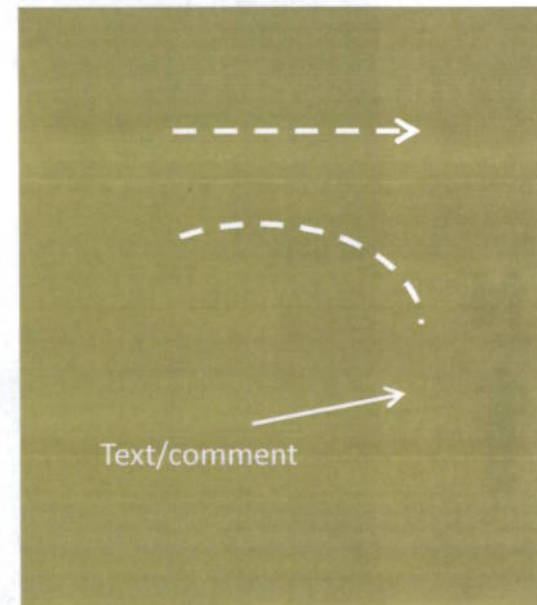
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Text/comment



Text/comment



Text/comment

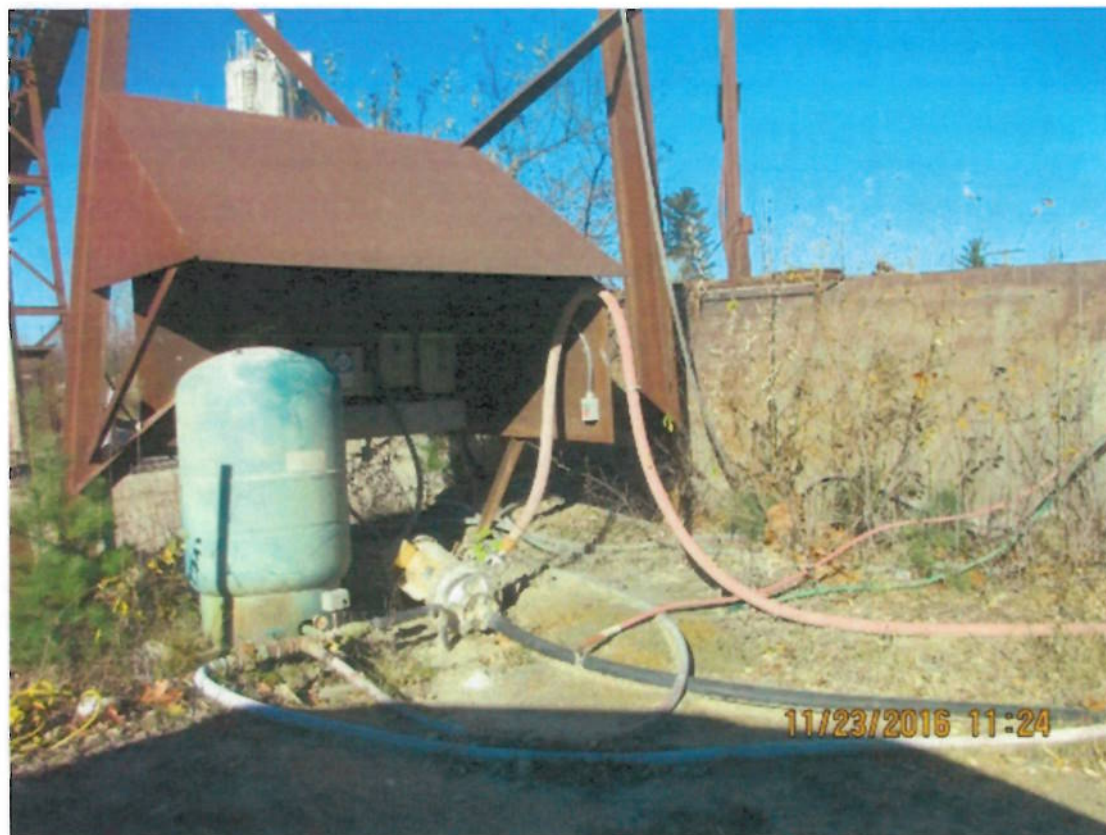
Granite State Concrete Company
408 Elm Street, Milford, NH
CWA (Stormwater & SPCC) Inspection
11/23/16



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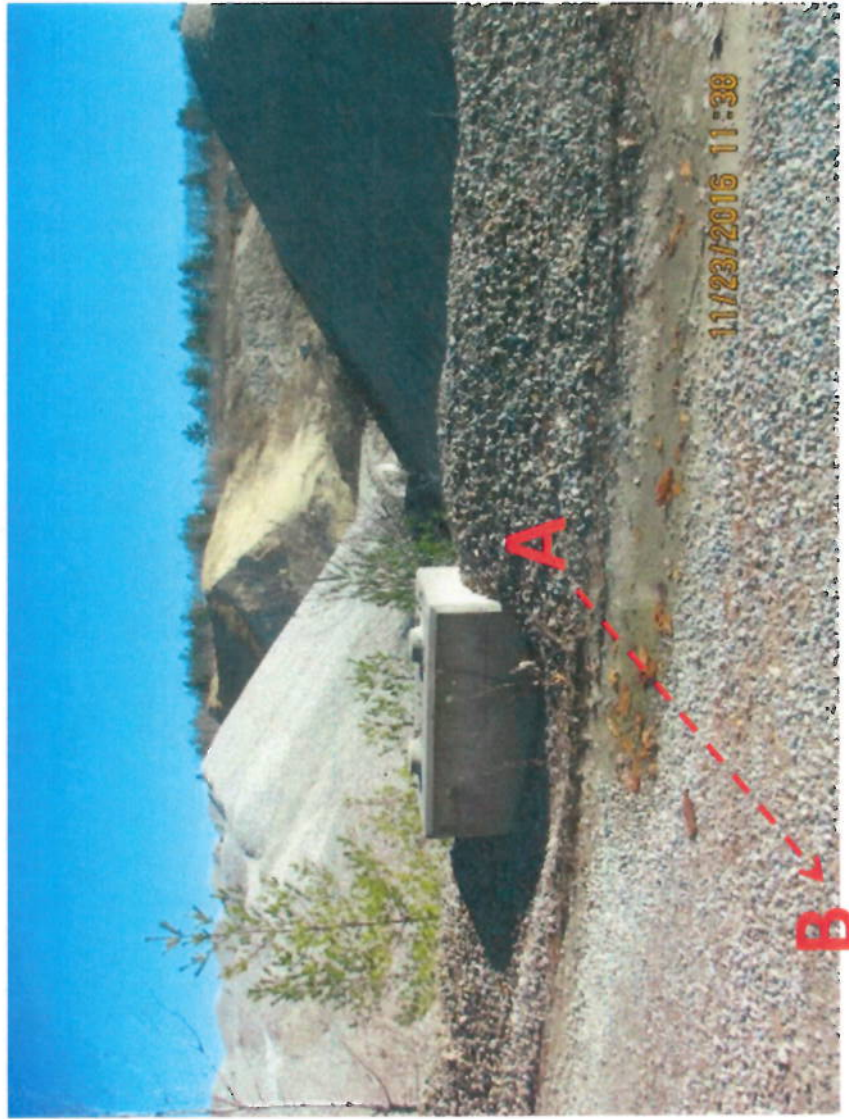
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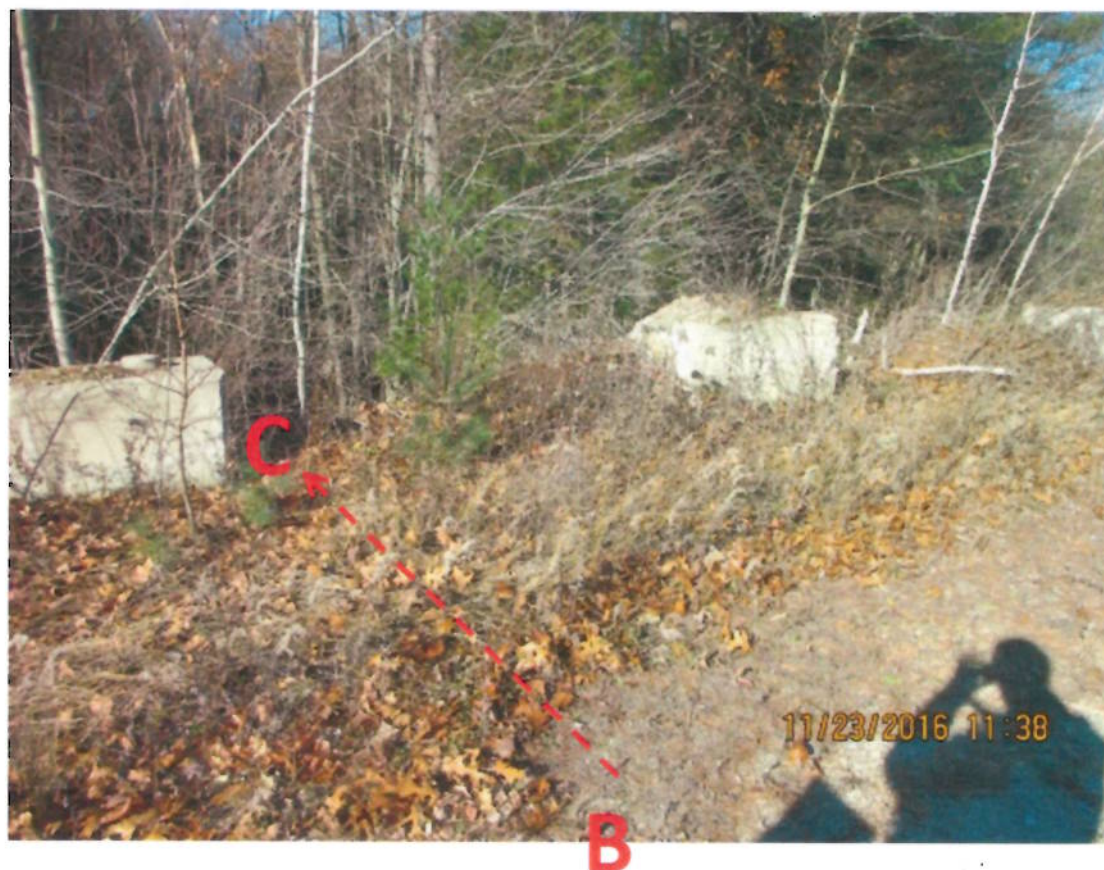
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Micellaneous trash
and debris

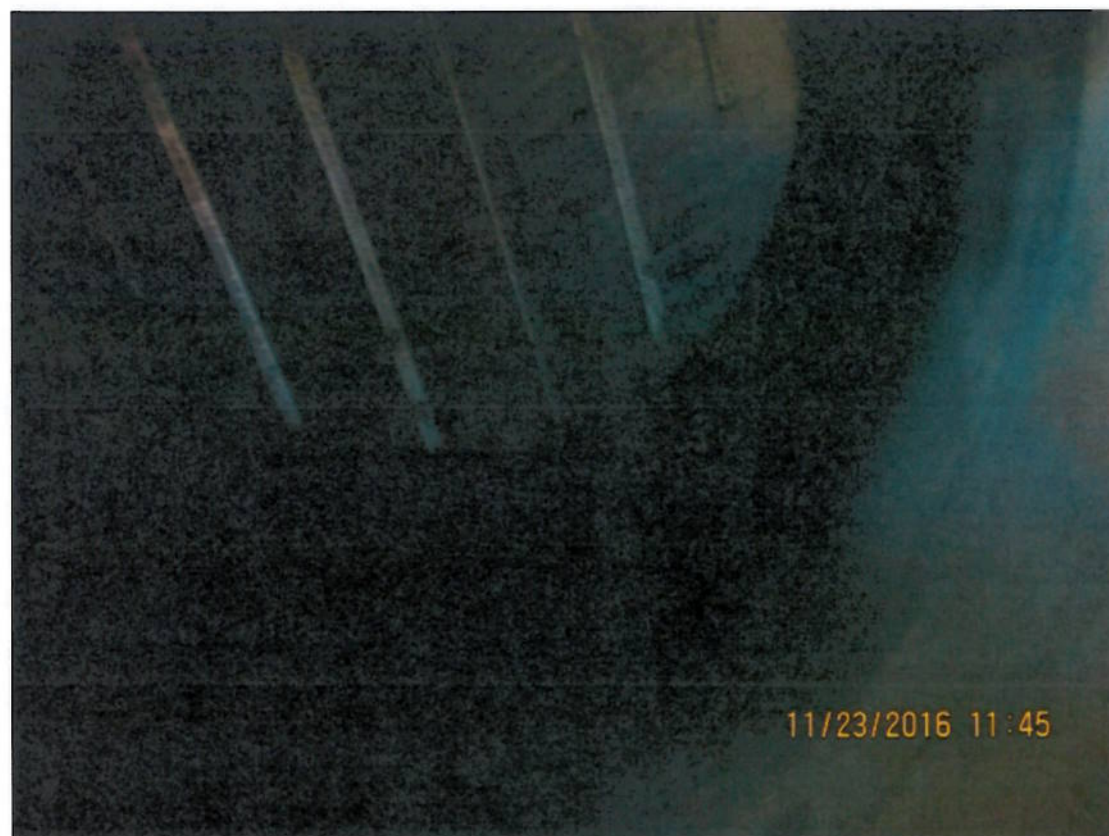


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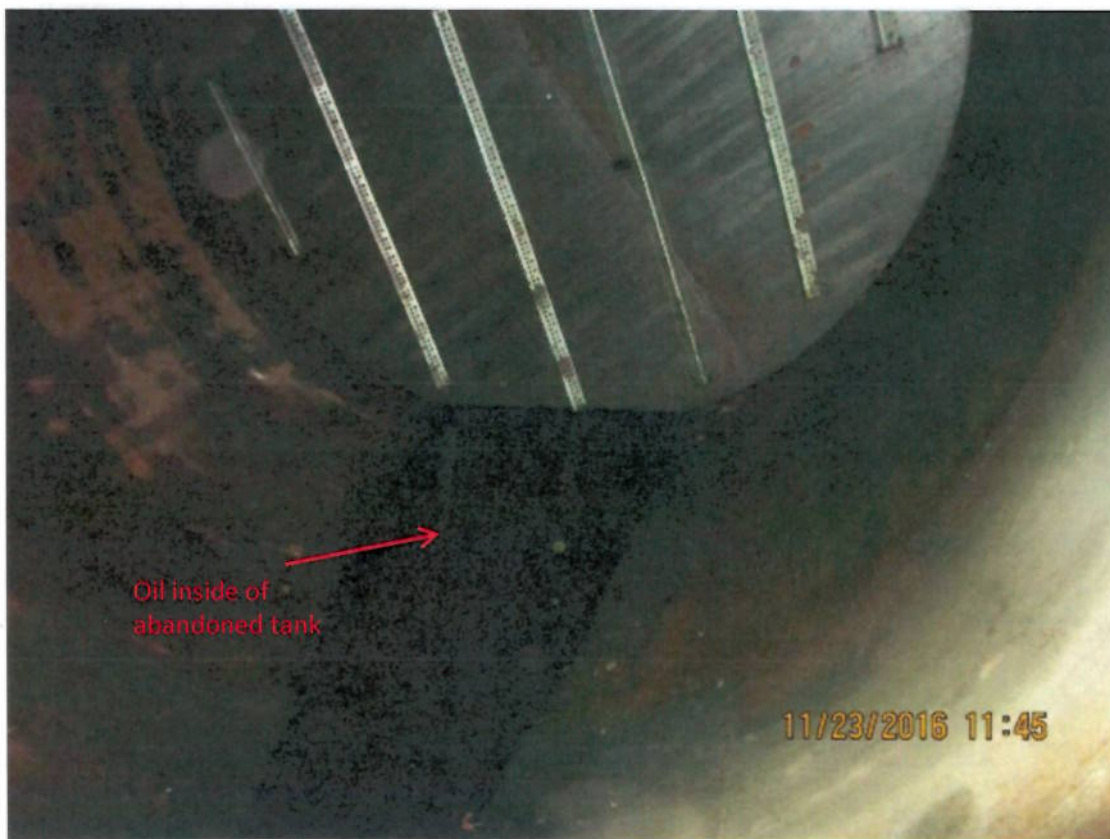
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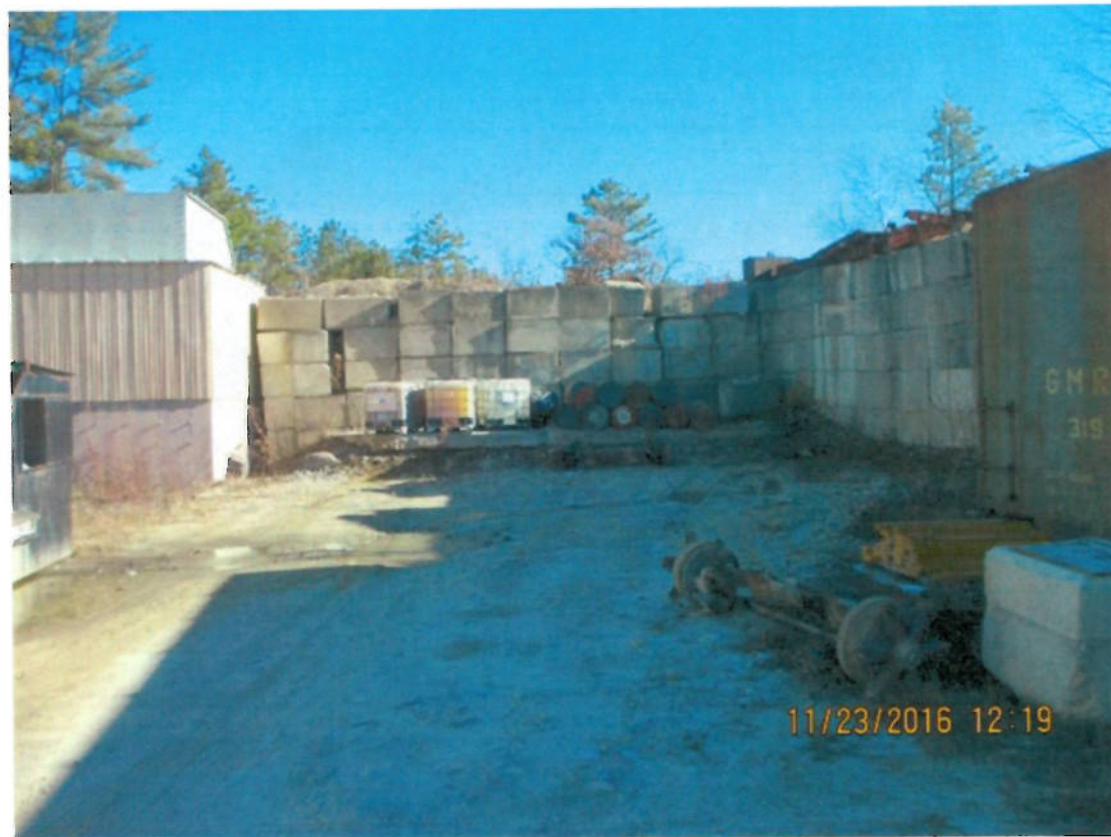
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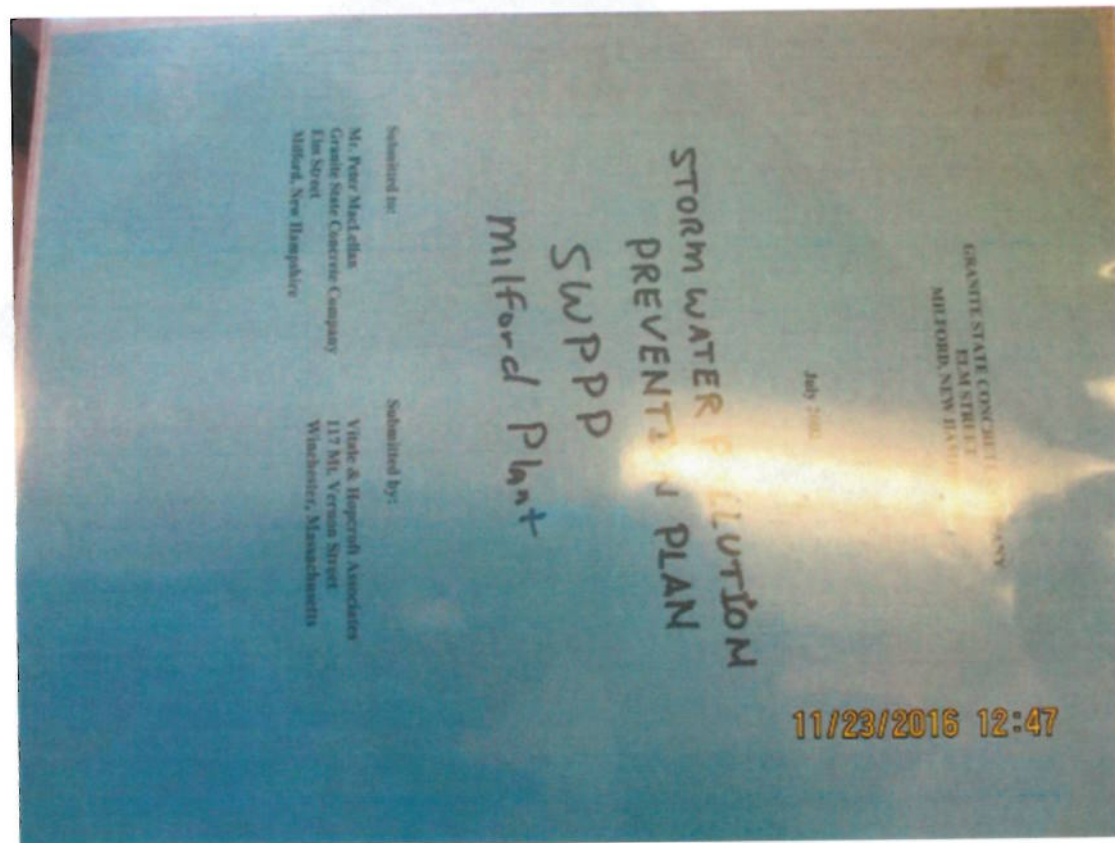
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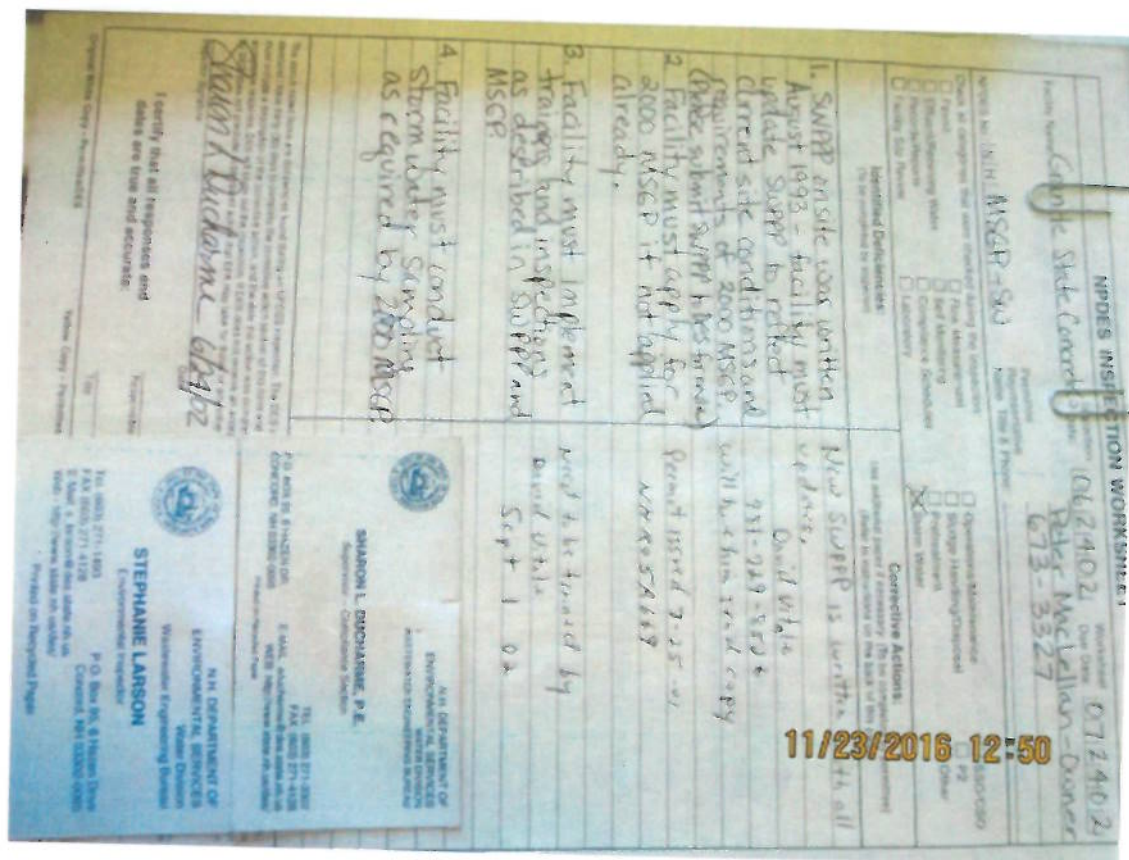
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11/23/16



Granite State Concrete Company
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CWA Inspection Photo Log JG MacLellan Concrete Company, Inc.

Inspectors: Alex Rosenberg,
Solanch Pastrana-Del Valle

J.G. MacLellan Concrete Co. Inc.
180 Phoenix Avenue, Lowell MA
CWA (Stormwater & SPCC) Inspection
01/04/17



Legend

Aerial Maps



Photo Direction (any color)
Slide Number (any color)



Property Boundary (any color)

Photo Annotation



Surface Water Flow Direction (any color)



Catchment Boundary (any color)

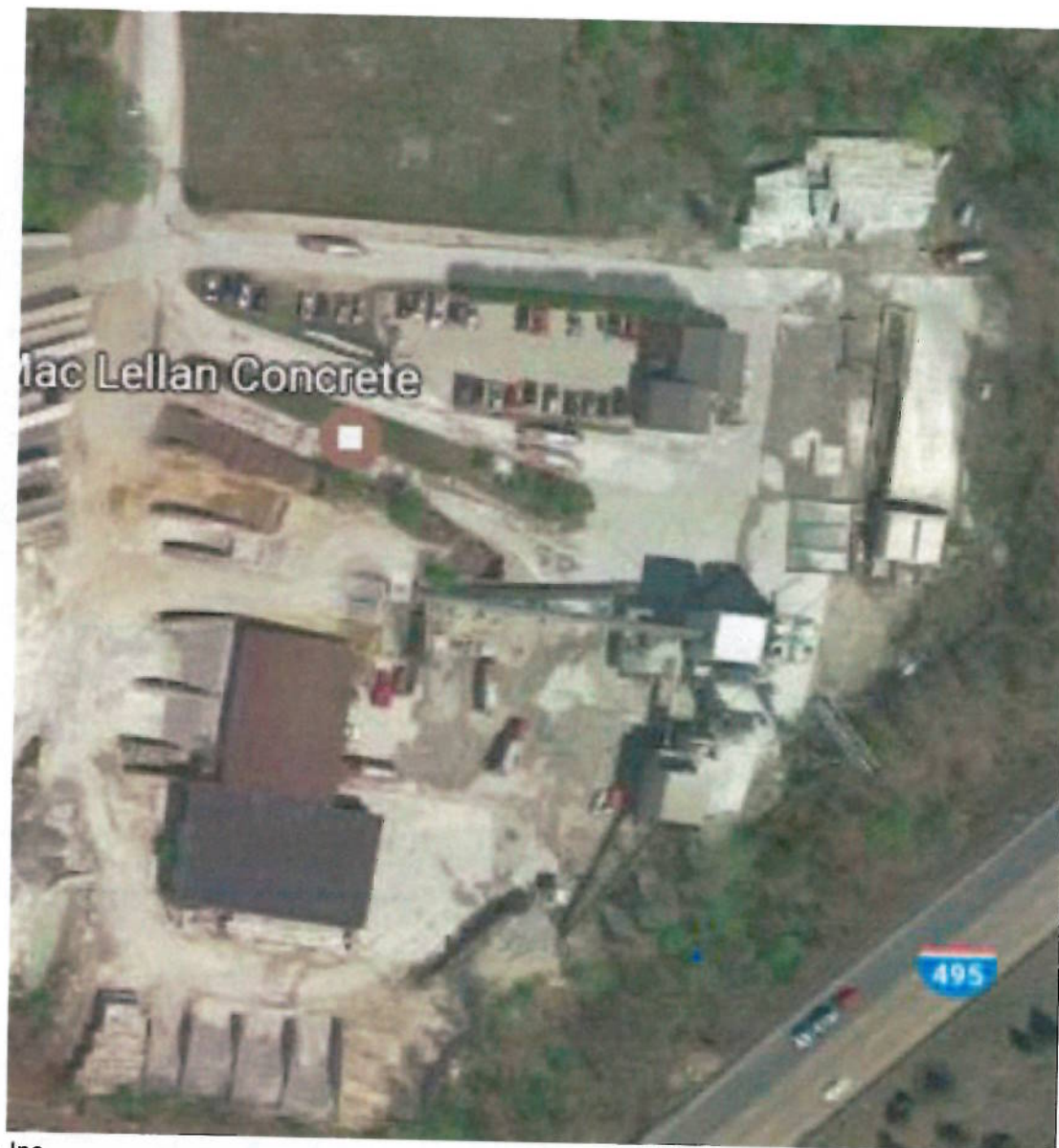


Flow Boundary (any color)



Narrative Annotation/Comment (any color)

Text/comment



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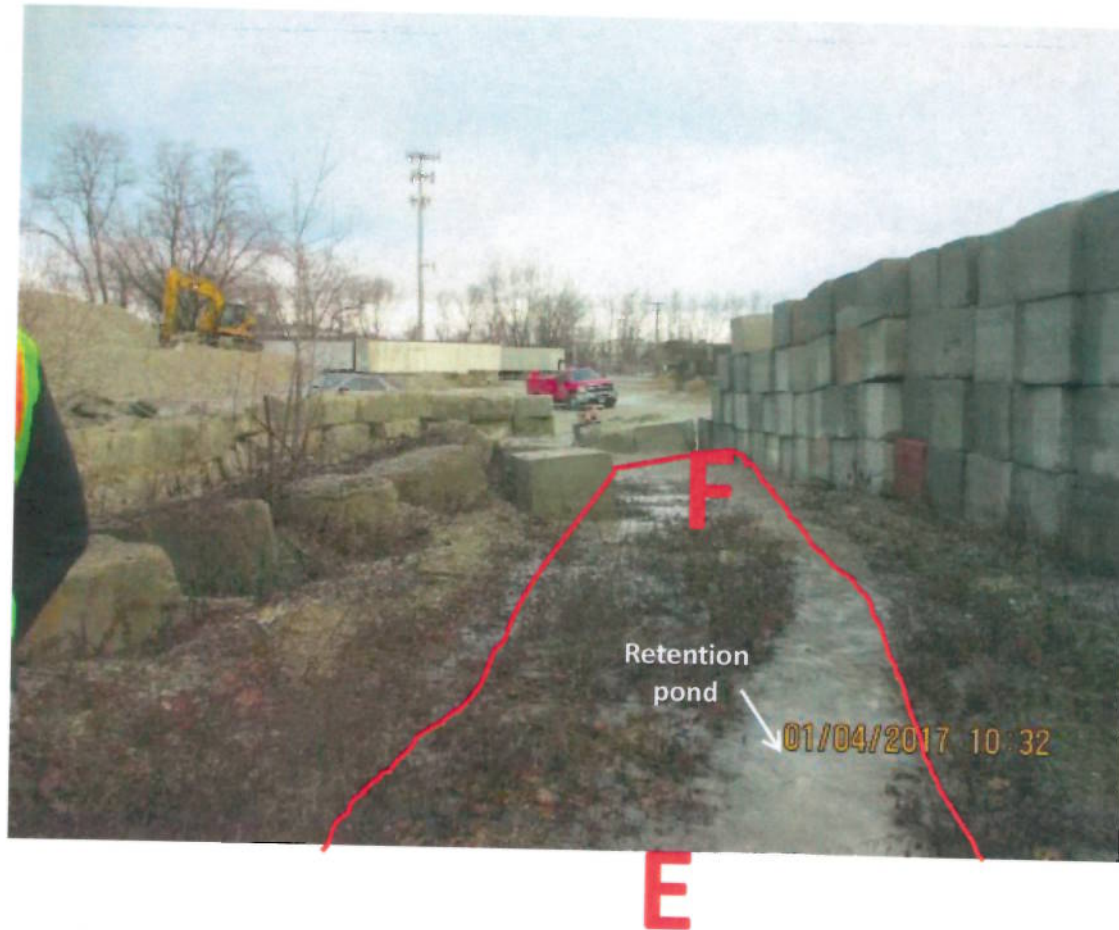
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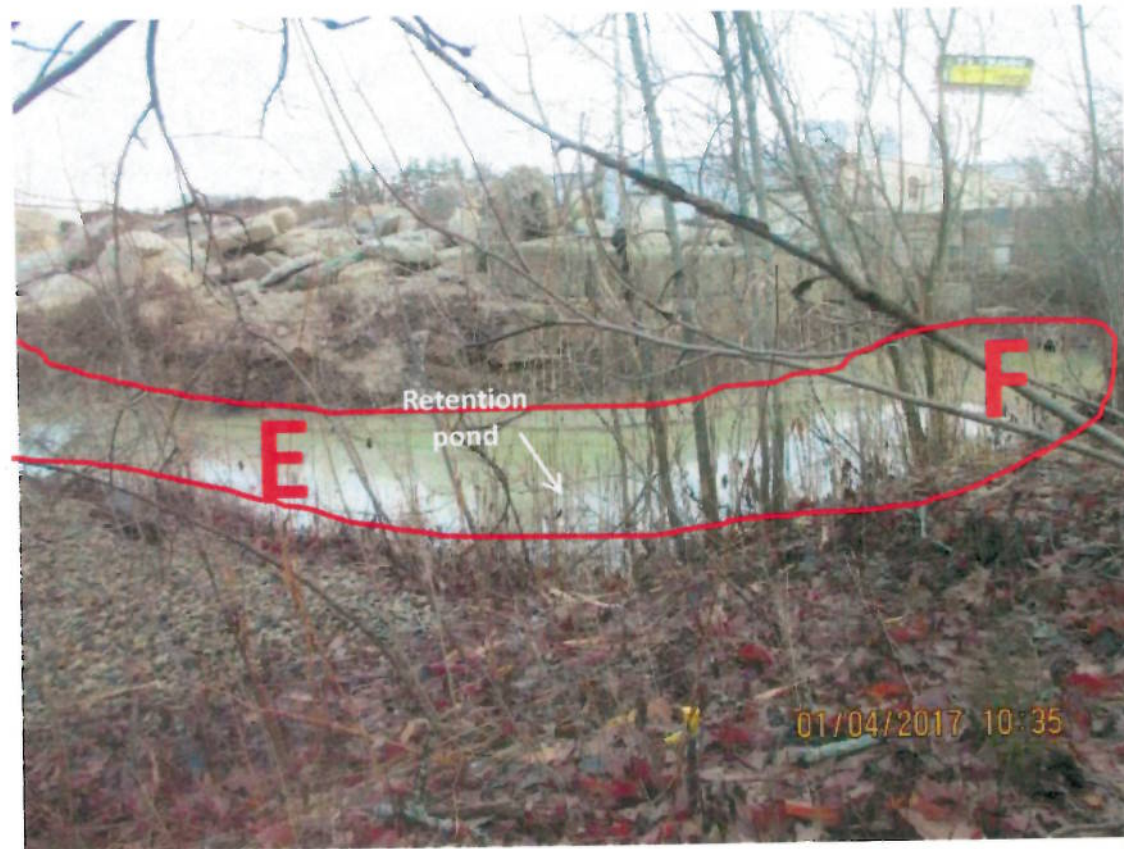
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(series
continued on
slide 49)

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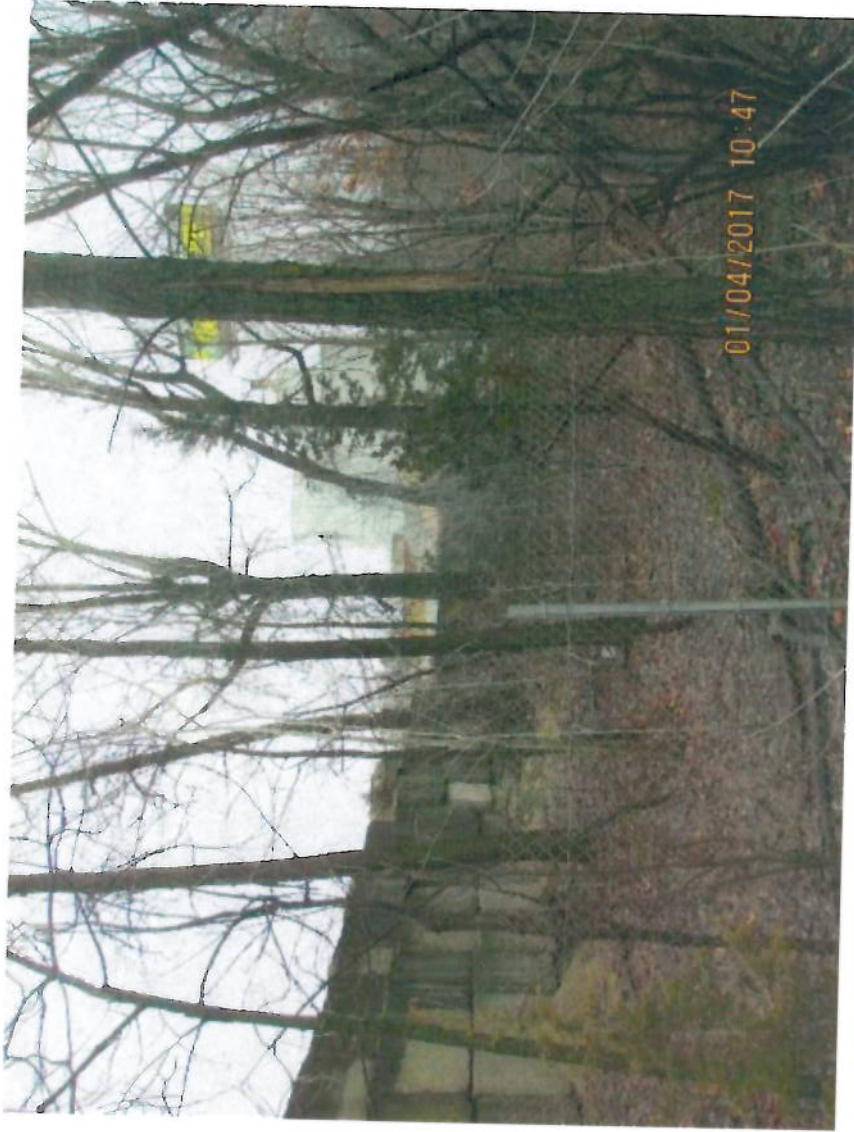
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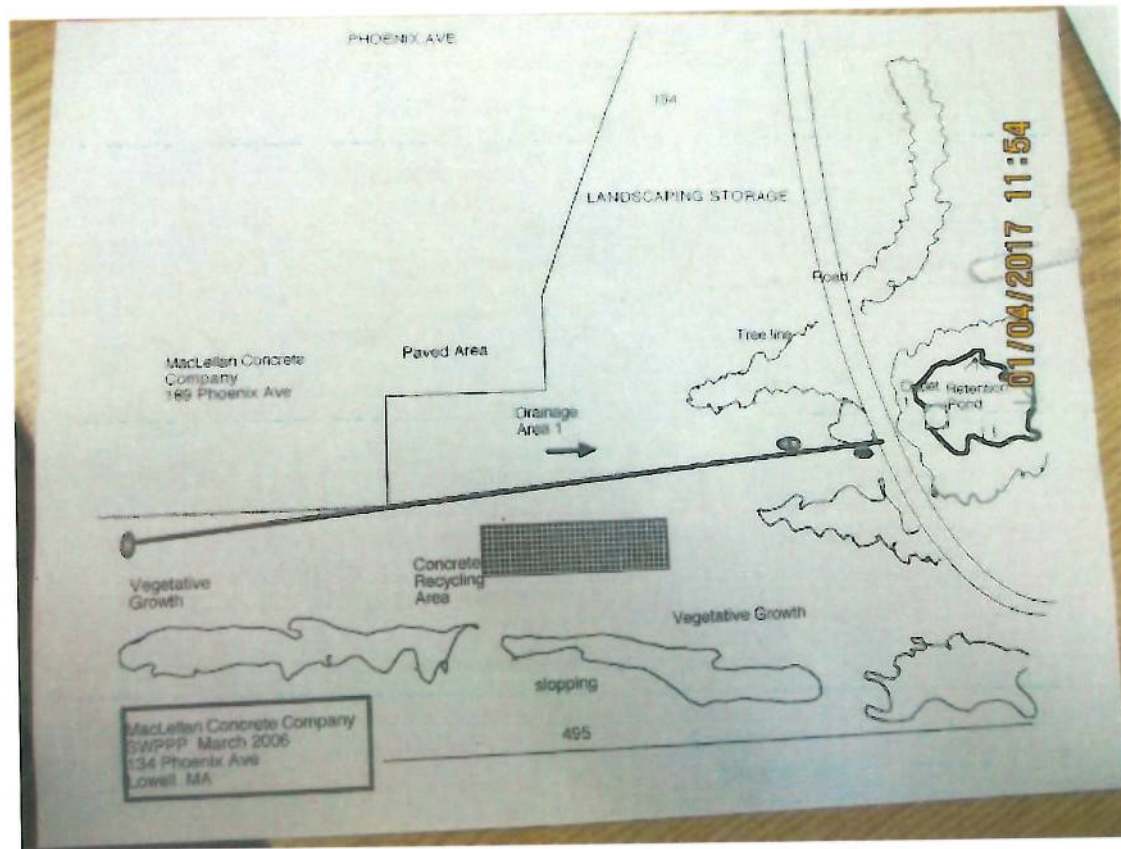
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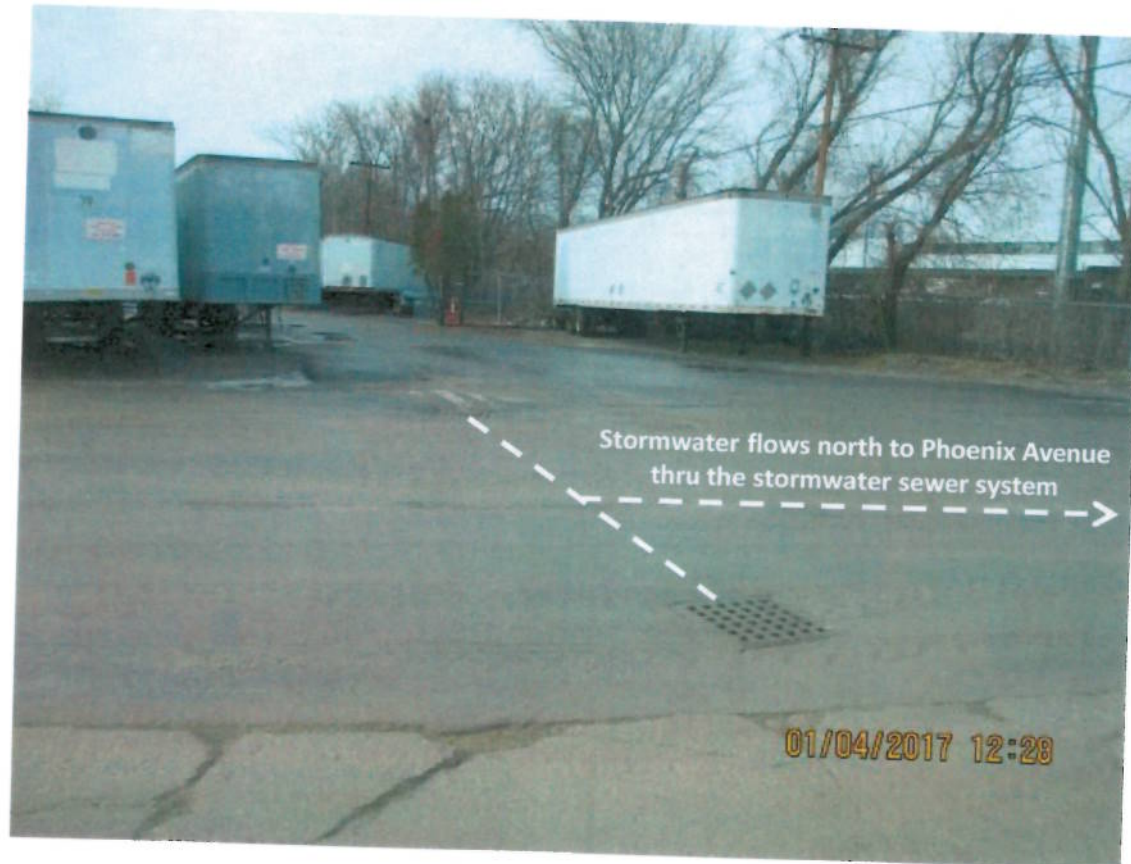
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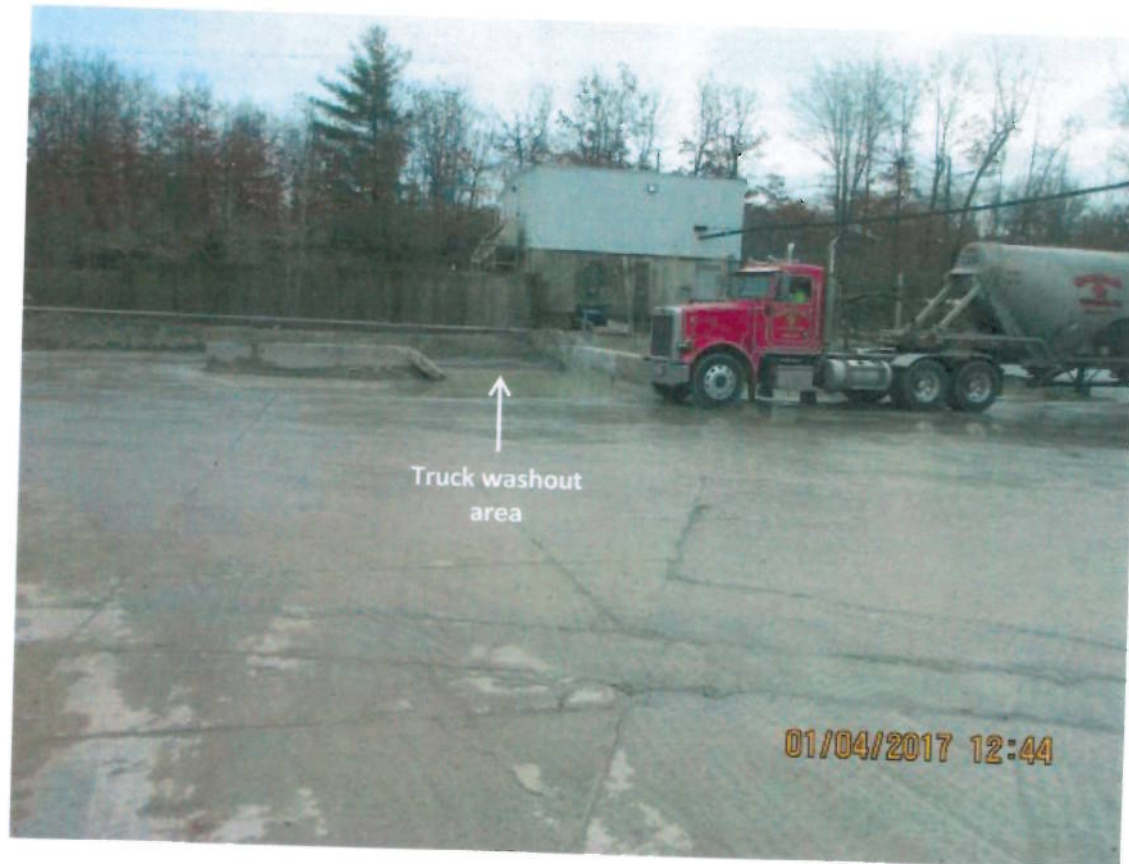
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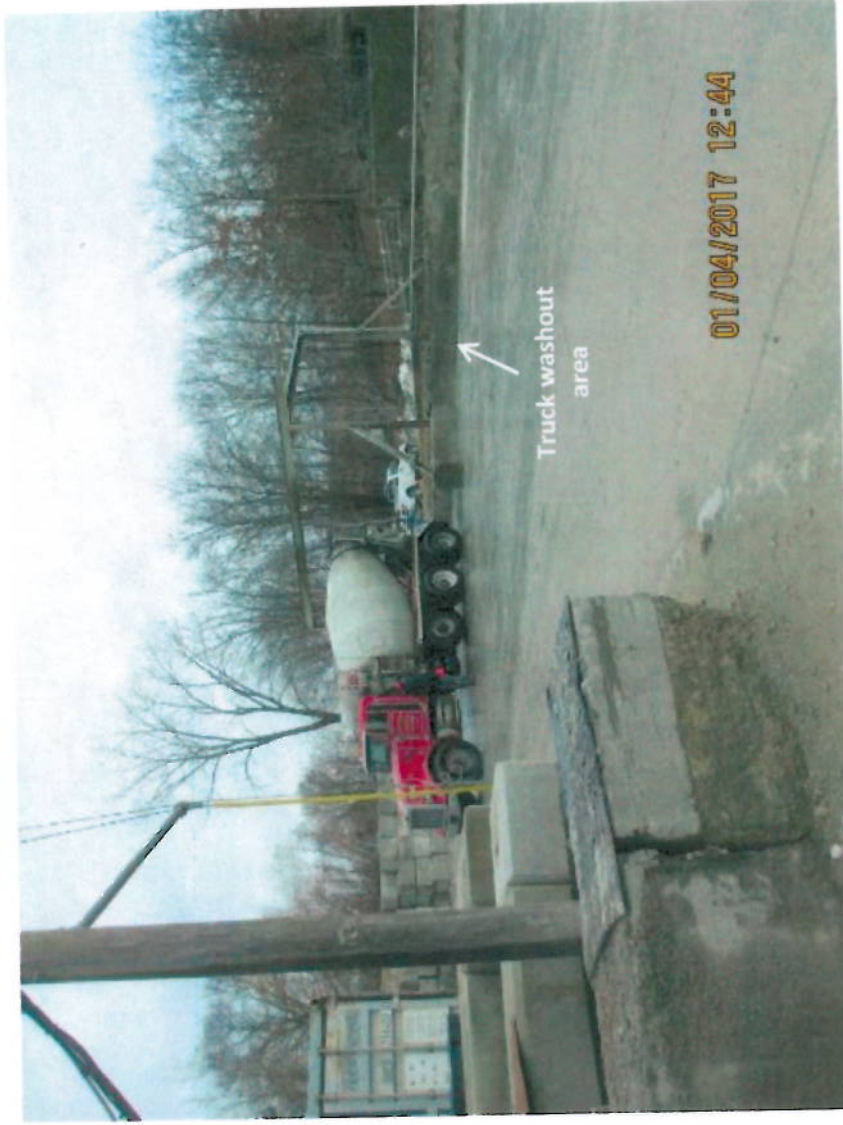
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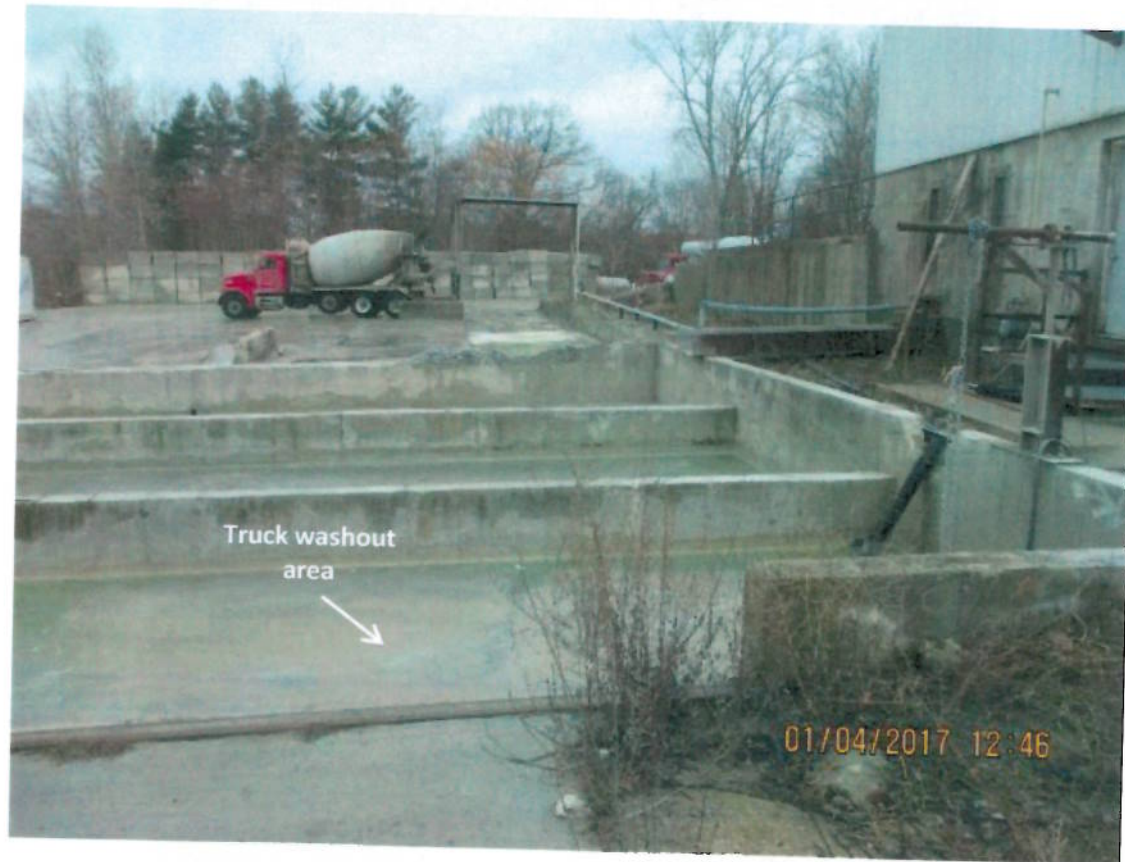
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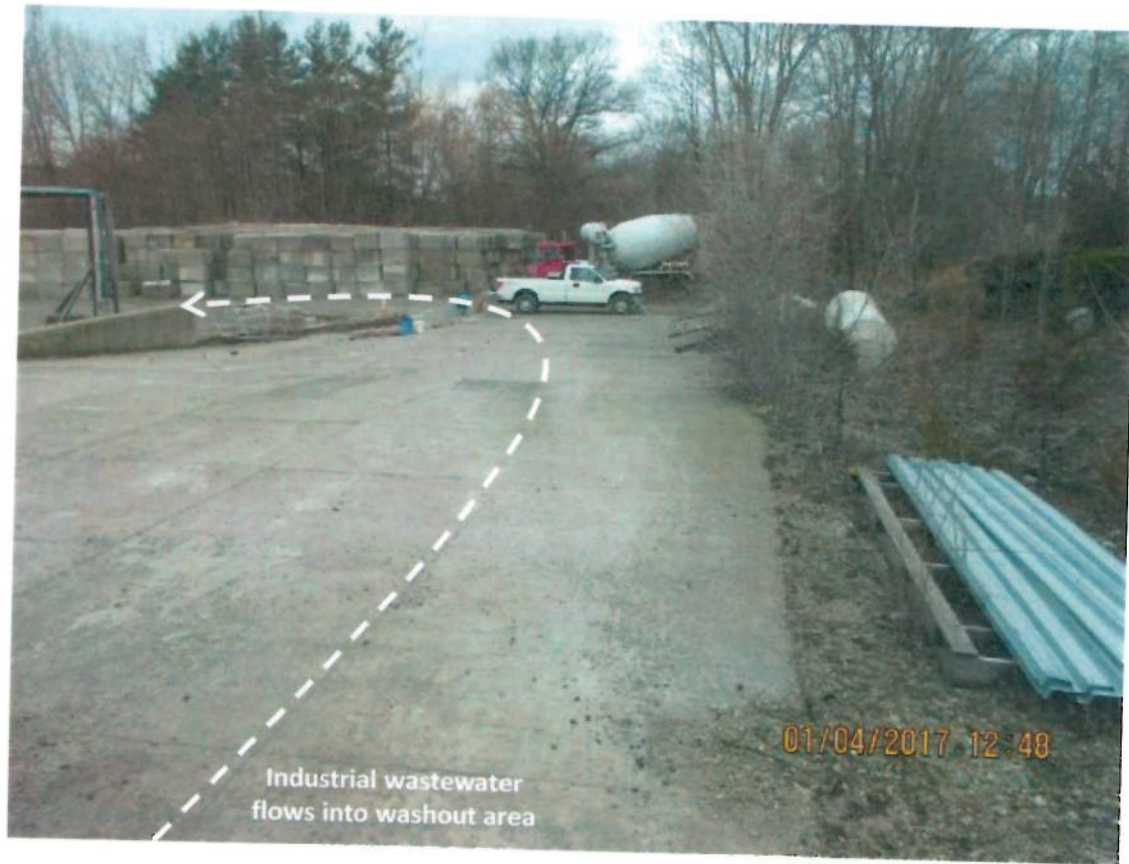
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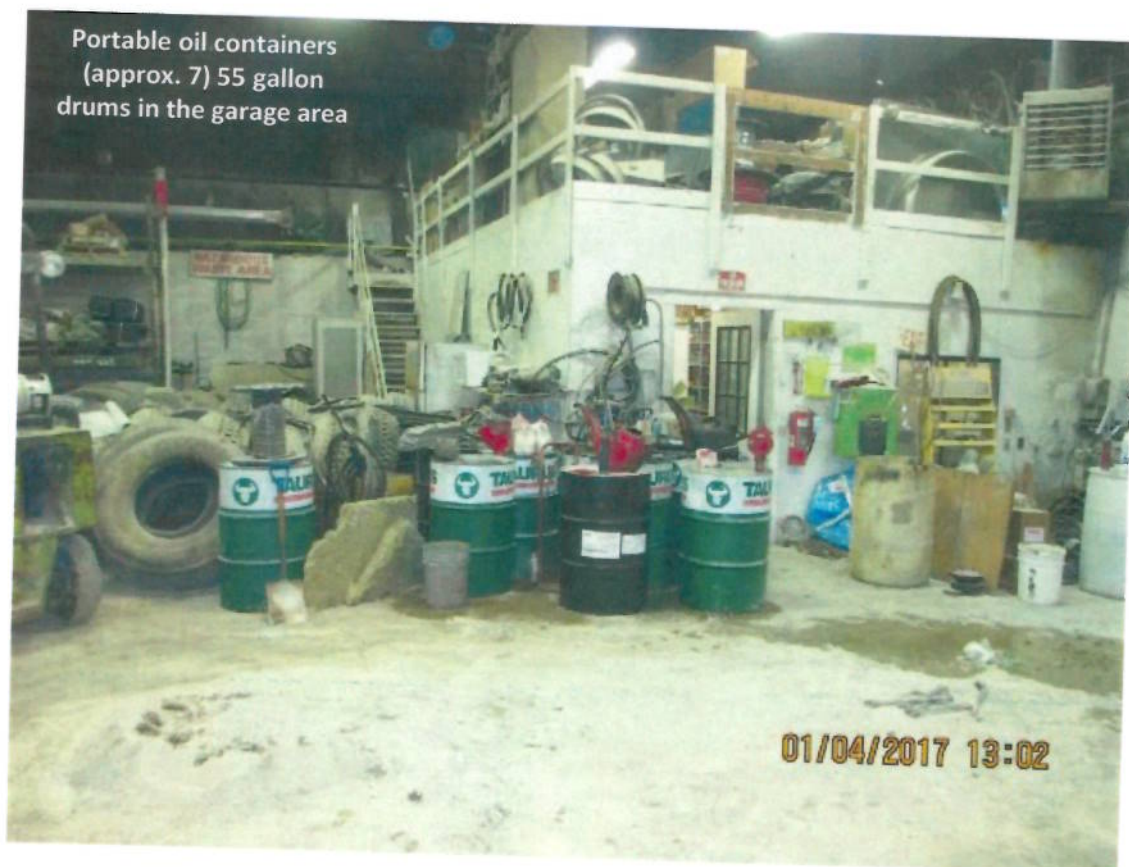
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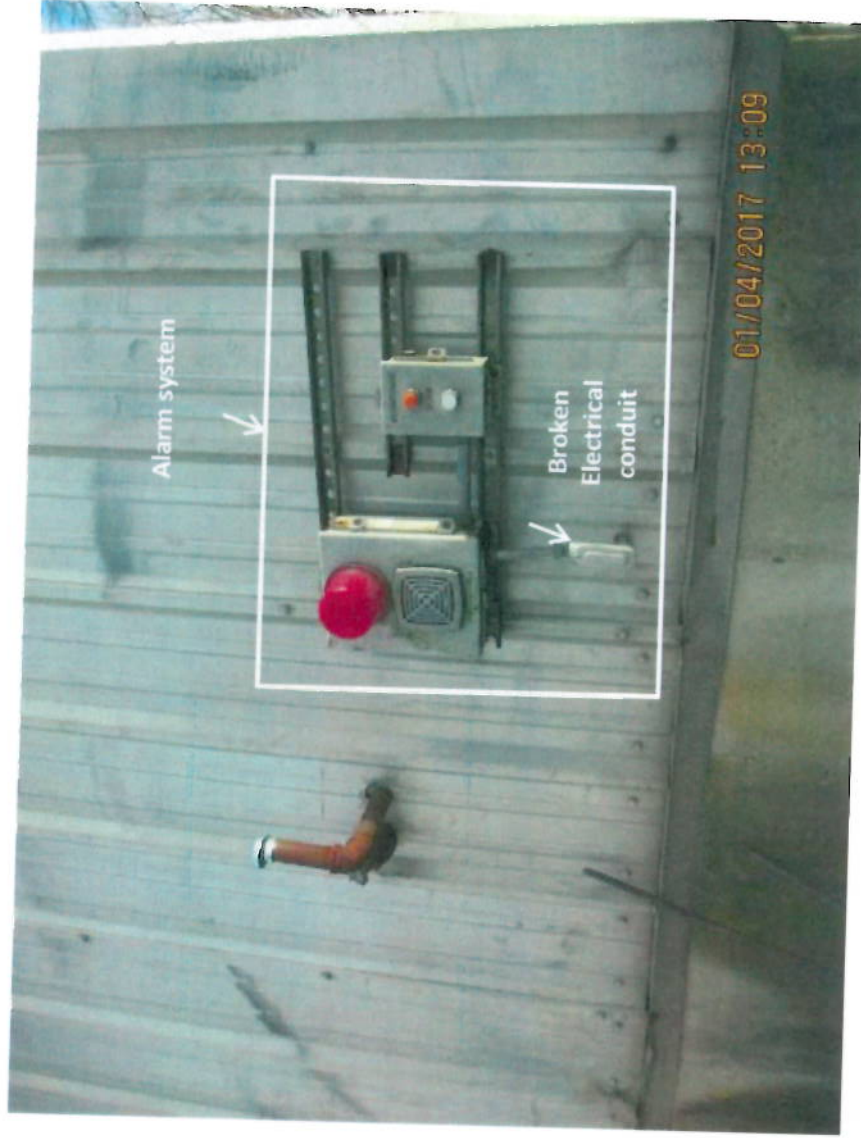
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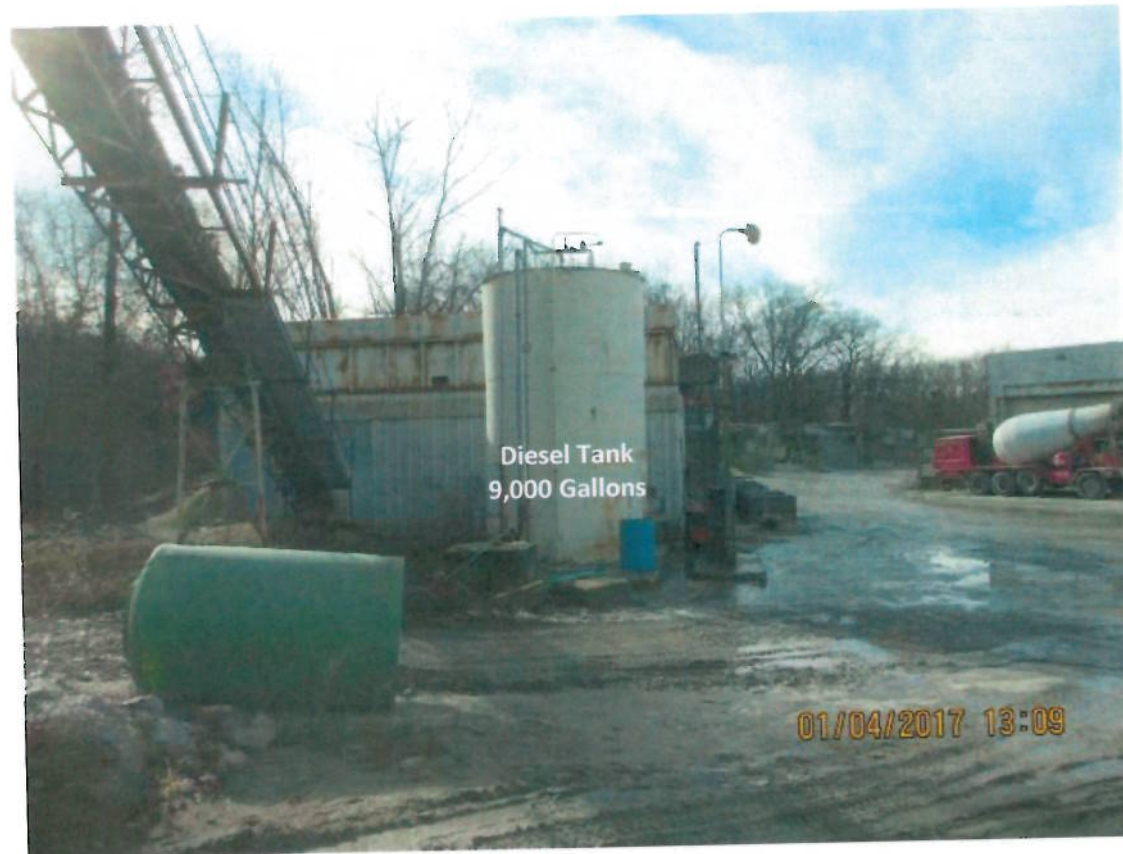
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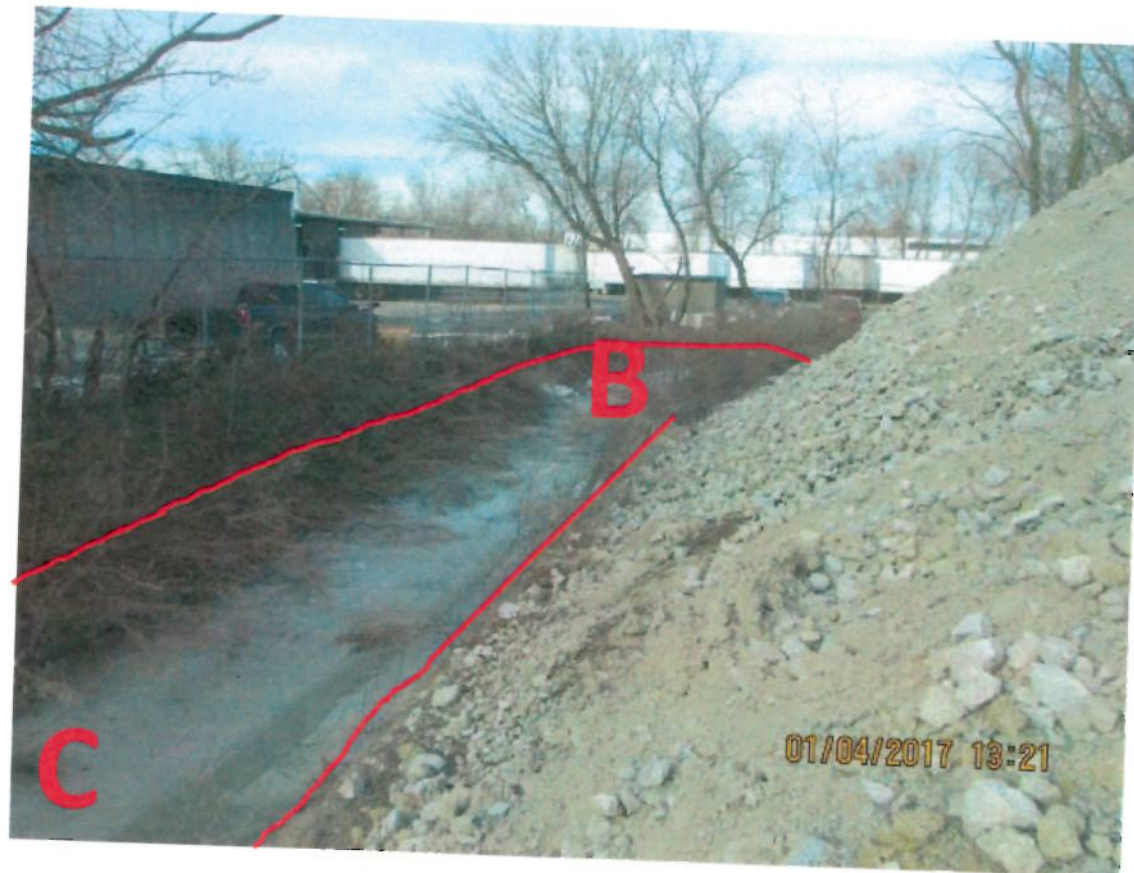
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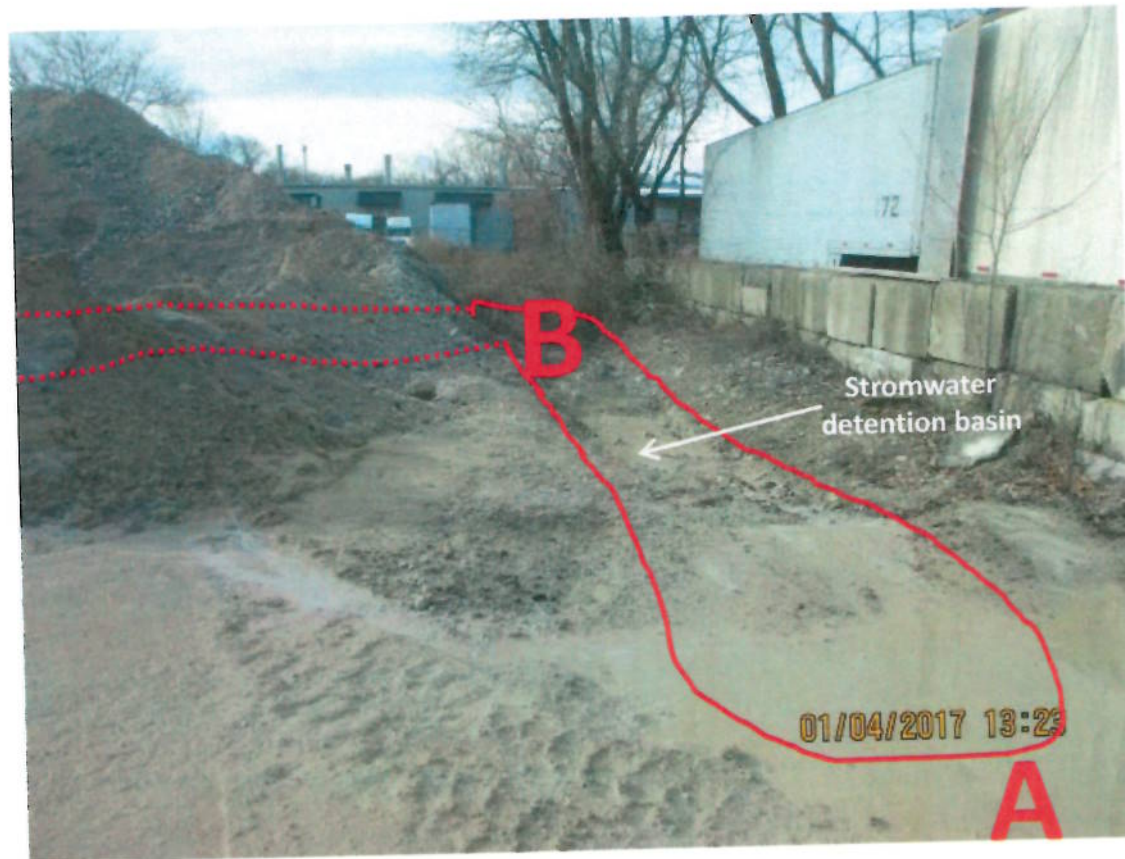
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U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.